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## **CHAPTER 82-800 ASSISTANCE UNIT**

### **82-804 LIVING IN THE HOME OF A CARETAKER RELATIVE**

**82-804**

- |     |                              |   |
|-----|------------------------------|---|
| .1  | Living In The Home           | An eligible child shall be living in the home of the caretaker relative.  |
| .2  | Home of a Caretaker Relative | The home of a caretaker relative is a family setting being maintained or in the process of being established for a child. A child is considered to be living in the home of a caretaker relative even when: |
| .21 | Court Jurisdiction           | A child is under the jurisdiction of the court and is living in the home of the relative (e.g., receiving probation services or protective supervision); or   |
| .22 | Legal Custody                | A child's legal custody is held by an agency that does not have physical possession of the child.   |

[Previous cite: 44-203.111 - .113 and .12]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 233.90 and 45 CFR 237.50(b)(2), Sections 10553, 10554, and 11450, Welfare and Institutions Code, and SSA-AT-86-01.

### **82-808 CARETAKER RELATIVE REQUIREMENTS**

**82-808**

- |      |                                      |   |
|------|--------------------------------------|---|
| .1   | Relationship of a Caretaker Relative | The caretaker relative shall be related to the applicant/eligible child as specified below.   |
| .11  | Degree of Relatedness                | The caretaker relative may be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child. (See Appendix A).   |
| .111 | Biological Relatives                 | The acceptable caretaker relative shall be a parent (1st degree), grandparent (2nd degree), sibling (2nd degree), great-grandparent (3rd degree), uncle or aunt (3rd degree), nephew or niece (3rd degree), great-great grandparent (4th degree), great-uncle or aunt (4th degree), first cousin (4th degree), great-great-great grandparent (5th degree), great-great uncle or aunt (5th degree), or a first cousin once removed (5th degree). |

<b>82-808</b>	<b>CARETAKER RELATIVE REQUIREMENTS (Continued)</b>	<b>82-808</b>
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|-----|---|
| (a) | If A or B are first cousins, B's children are first cousins once removed to A and A's children are first cousins once removed to B. A's children and B's children are second cousins. |
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| .112 | Step-Relatives               | A stepfather, stepmother, stepbrother or stepsister, or   |
| .113 | Spouses of Relatives         | A spouse of any person named above even after the marriage has been terminated by death or dissolution, or  |
| .114 | Adoptive Relatives           | A person who legally adopts the child or that person's relatives, as specified.   |
| .12  | Relinquishment/<br>Adoption  | The caretaker relative shall be any of the relatives specified above when a child has been relinquished, adopted or parental rights are terminated.   |
| .13  | Relationship<br>Verification | Counties shall document in the case record evidence used to verify the relationship of the caretaker relative to the child.   |
| .14  | Types of Evidence            | Counties shall use the following evidence to verify the relationship of a child to the caretaker relative.  |
| .141 | Acceptable<br>Evidence       | Evidence includes:<br>Adoption papers or records<br>Baptismal records of birth and parentage<br>Birth certificate<br>Bureau of Vital Statistics or local government records of birth and parentage<br>Census records<br>Church records (including a statement from priest, minister, etc.) of parentage or relationship |

<b>82-808</b>	<b>CARETAKER RELATIVE REQUIREMENTS (Continued)</b>	<b>82-808</b>
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Court records of parentage  
Court support records  
Day care center records  
Divorce papers  
Family Bible  
Hospital or public health records of birth  
and parentage  
Indian census records  
Insurance policy  
Juvenile court records  
Marriage licenses/ records  
Outpatient care records maintained by a  
hospital, clinic, or physician  
Paternity records maintained by a Child  
Support Agency  
School records  
Voluntary social service agency records

.142 No Evidence

If all efforts to obtain other evidence have failed, a sworn statement signed by the caretaker relative is acceptable when:

(A)

Evidence is not conflicting, and

(B)

The attempts to obtain verification are documented in the case record.

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.143 Conflicting  
Evidence

When evidence is conflicting, the principles of gathering evidence in Section 40-157 shall apply.

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.2 Determining the  
Caretaker Relative

The county shall determine who the caretaker relative is by reviewing actual circumstances in each case to determine who exercises care and control responsibility for a child.

<b>82-808</b>	<b>CARETAKER RELATIVE REQUIREMENTS (Continued)</b>	<b>82-808</b>
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| .3   | Care and Control Factors | The following factors shall be considered when determining responsibility for care and control. A single factor may not be determinative. The factors include, but are not limited to:                                       |
| .31  |                          | Deciding where the child attends school or child care.   |
| .32  |                          | Dealing with the school on educational decisions and problems.   |
| .33  |                          | Controlling participation in extracurricular and recreational activities.  |
| .34  |                          | Arranging medical and dental care services.  |
| .35  |                          | Claiming the child as a tax dependent.   |
| .36  |                          | Purchasing and maintaining the child's clothing.   |
| .4   | Alternating Arrangements | The determination of the caretaker relative relationship, when the child stays alternately with different persons, shall be made as follows:   |
| .41  | Less than One Month      | If a child stays alternately for periods of one month or less with each of his/her parents who are separated or divorced, the caretaker relative shall be determined as follows:   |
| .411 | Where Child Stays        | In most circumstances, the parent with whom the child stays for the majority of the time shall be the caretaker relative. The temporary absence of the parent or the child from the home does not affect this determination. |
| (a)  |                          | The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that parent can establish that he/she has majority responsibility for care and control of the child.           |

<b>82-808</b>	<b>CARETAKER RELATIVE REQUIREMENTS (Continued)</b>	<b>82-808</b>
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|------|-----------------|---|
| .412 | Applying Parent | When the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities, the parent who applies for aid shall be the caretaker relative, providing that the child's other parent is not currently applying for or receiving aid for the child. |
| .413 | Equal Time      | When each parent exercises an equal share of care and control responsibilities, and each has applied for aid for the child, the caretaker relative shall be determined in the following order:  |
|      | (a)             | The parent designated in a current court order as the primary caretaker for purposes of public assistance, under Civil Code Section 4600.5(h).  |

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Civil Code Section 4600.5(h) states:

In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.

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| (b) | When no court order designation exists and only one parent would be eligible for aid, the parent who would be eligible shall be the caretaker relative.               |
| (c) | When both parents would be eligible, the parents shall designate one parent as the caretaker relative. The agreement shall be documented by a CA 13.                  |
| (d) | If the parents cannot reach agreement on the designation of a caretaker relative, the parent who first applied for aid for the child shall be the caretaker relative. |

<b>82-808</b>	<b>CARETAKER RELATIVE REQUIREMENTS (Continued)</b>	<b>82-808</b>
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.414 Remains  
Caretaker

The parent who has been determined to be the caretaker relative of a child who stays with the other parent for alternating period of one month or less shall remain the caretaker relative while the child is with the other parent.

.42 One Full Calendar  
Month or More

When a child stays alternately for periods of one full calendar month or more with different persons who are not living together, the caretaker relative shall be the person with whom the child is staying at the time. That person will have to apply for aid on behalf of the child.

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See Section 82-812.5 for definition of one full calendar month.

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.5 Number of Caretaker  
Relatives

An AU may have more than one caretaker relative. However, an eligible child shall have only one caretaker relative at one time.

.6 Minor Parent/Caretaker  
Relative

A child who is a caretaker relative shall not be considered a child to establish eligibility for a senior parent.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USC 408(a)(10); 42 USCA 606; 45 CFR 206.10; 45 CFR 206.10(a)(8); 45 CFR 233.90; 45 CFR 233.90(c)(1)(iii); 45 CFR 233.90(c)(1)(v); 45 CFR 233.90(c)(1)(v)(A); and 45 CFR 233.90(c)(2); Federal Register, Vol. 45, Page 58125, September 2, 1980; 45 CFR 237.50(b)(2); SSA-AT-86-01; ACF-AT-91-33; and Sections 10553, 10554, 10604, 11203, 11269, and 11450, Welfare and Institutions Code.



<b>82-812</b>	<b>TEMPORARY ABSENCE</b>	<b>82-812</b>
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|------|------------------------------------|---|
| .1   | Who Can Be Temporarily Absent      | Any member of an AU may be considered temporarily absent from the home.   |
| .2   | Living With the Caretaker Relative | A child is considered to be living in the home of a caretaker relative even though the child and/or the caretaker relative is temporarily absent from the home.               |
| .3   | Care and Control                   | For the child to be considered temporarily absent, the caretaker relative shall continue to exercise responsibility for care and control of the child (see Section 82-808.3). |
| .4   | Determining Factors                | The following factors shall be considered when determining temporary absence status. A single factor may not be conclusive.   |
| .41  | Temporary Absence                  | The factors include, but are not limited to:  |
| .411 | Actual Situation                   | The actual family circumstances (even if it is inconsistent with a court custody order).  |
| .412 | Decision Making                    | If the caretaker relative is involved in making the major and minor decisions regarding the child.  |
| .413 | Ability to Return                  | If the person has the ability to return or the caretaker relative has the ability to require the return of the child to the home.   |
| .414 | Intent to Return                   | If the person intends to return to the home.  |
| .415 | Paying Costs                       | If the person is contributing to the costs for the child's needs.   |
| .5   | One Full Calendar Month Time Limit | Any member of the AU shall be considered temporarily absent when absent from the home for one full calendar month or less.  |
| .51  | One Full Calendar Month            | For the purpose of this section, one full calendar month shall be from the first of the month through the last day of the month.  |

<b>82-812</b>	<b>TEMPORARY ABSENCE (Continued)</b>	<b>82-812</b>
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| (a) | If the individual has been absent for the entire month of February, but less than 30 days, the calendar month will not be deemed completed until the individual has been absent for 30 days. |  |
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.52 Examples

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| (a) | On February 2nd, a member of the AU leaves the home to visit an uncle in Nevada and returns on March 16th. The person was not gone for one full calendar month and would be considered temporarily absent.             |  |
| (b) | On April 16th, a member of the AU leaves home because of a death in the family. The person does not return until June 3rd. The person was gone more than one full calendar month and was not eligible for aid in June. |  |
| (c) | In a non-leap year an individual leaves the home on February 1. The individual is not considered permanently absent until March 3, after 30 days away from the home.   |  |

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| .6  | Exceptions to One Full Calendar Month Time Limitation | Exceptions include:   |
| .61 | Correctional Facility                                 | A person confined in a correctional facility on the first of any month and expected to remain for one full calendar month or more shall be considered permanently absent. |
| .62 | Child in a Public Hospital                            | A child in a public hospital for up to two full calendar months shall be considered temporarily absent.   |
| .63 | Hospitalization                                       | A person hospitalized, other than a child in a public hospital, may be considered temporarily absent for the duration of the hospital stay.                               |

<b>82-812</b>	<b>TEMPORARY ABSENCE (Continued)</b>	<b>82-812</b>
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| .631   | For the purpose of this section, hospitalization includes a stay in a medical hospital, psychiatric care facility, or drug and/or alcohol rehabilitation treatment facility.  |
| .64    Employment  | A person absent from the home due to employment may be considered temporarily absent for the duration of the employment/job activity.   |
| .65    Attending Educational or Vocational Training School | A person absent from the home due to attendance at an institution of high learning, an educational school leading to a high school diploma or equivalent, or a vocational school leading to employment, may be considered temporarily absent for the duration of the schooling or training when there is no educational or vocational school within the vicinity of the person's home that provides the education or vocational training. |
| .66    Child with Special Needs                            | A child who attends a school which meets the special needs of the child shall be considered temporarily absent for the duration of the schooling when:  |
| .661   | The child has a current Individualized Education Plan (IEP); and no school that meets the child's needs, as described in the IEP, is located close enough to the child's home that the child can continue to live at home while attending school.   |
| .67    Child in a Group Home                               | A child who is in a licensed group home due to a crisis situation (i.e., hospitalization or incapacity of the parent, parents receiving respite services to maintain family stability, etc.) shall be considered temporarily absent for the duration of the crisis when:  |
| .671   | The licensed group home does not receive AFDC-FC for the child, and the caretaker relative continues to have care and control concerning any major health and welfare decisions.  |

<b>82-812</b>	<b>TEMPORARY ABSENCE</b> (Continued)	<b>82-812</b>
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| .7 | Documentation of<br>Temporary Absence | The county shall document the basis for the<br>temporary absence. |
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[Previous cite: 44-203.22(a)(3), 42-500]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11269, Welfare and Institutions Code; and 42 USC 408(a)(10).

<b>82-820</b>	<b>INCLUDED PERSONS</b>	<b>82-820</b>
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|-----|--------------------------------------|---|
| .1  | Assistance Unit                      | An AU shall be established when all eligibility<br>factors have been determined.  |
| .2  | Minimum Requirements                 | An AU shall have at least one of the following:   |
| .21 | Child                                | One eligible child.   |
| .22 | Caretaker<br>Relative                | A caretaker relative of an SSI/SSP child, <b>Kin-GAP<br/>child</b> or of a child receiving federal, state or local<br>foster care maintenance payments. For purposes of<br>this section, local foster care maintenance payments<br>are payments made with county-only funds for the<br>board and care costs of children in 24-hour out-of-<br>home care who have an open child welfare services<br>case file. |
| .23 | Pregnant Woman                       | A pregnant woman.   |
| .24 | Relative of GAIN<br>Sanctioned Child | A relative of a child who is sanctioned by GAIN.  |
| .3  | Mandatory Inclusion                  | The AU shall include the following persons when<br>living in the same home and eligible:  |
| .31 | Applicant Child                      | The applicant child.  |
| .32 | Siblings                             | Any eligible sibling or half-sibling of the applicant<br>child who meets the age requirement.   |
| .33 | Parents                              | Any parent, except for alternatively sentenced<br>parents, of:  |

<b>82-820</b>	<b>INCLUDED PERSONS</b> (Continued)	<b>82-820</b>
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| .331 | The applicant child, or   |
| .332 | The applicant child's eligible siblings or half-sibling who meet the age requirement. |

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| .333 | For exceptions to the mandatory inclusion requirements applicable to pregnant or parenting minors who are participants of the California Work Pays Demonstration Project, see Section 89-201.5. |
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| .4 | Who Determines AU | The county shall determine who is mandatorily included and excluded from the AU. The county and the applicant/recipient shall determine whether or not an optional person will be included in the AU. |
| .5 | Penalty           | The county shall deny the application or discontinue AFDC when a mandatorily included person refuses to be included.  |

[Previous Cites: 44-205.1, 44-205.4 and 44-205.51]

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code. Reference: 42 USCA 606; 45 CFR 206.10(a)(1); 45 CFR 233.10(a)(1), (a)(1)(iv) and (vii); 45 CFR 233.90(c)(1)(v)(A); 45 CFR 237.50(b)(5); 45 CFR 250.34; SSA-AT-86-01; Section 242, California Civil Code; Edwards v. Healy, Civ. S. 91-1473 DFL (1992); Sections 10553, 10554, 10604, 11000, 11254, 11400, 11450, and 11450.16, Welfare and Institutions Code; and ACF-AT-94-5.

<b>82-824</b>	<b>ASSISTANCE UNITS THAT SHALL BE COMBINED</b>	<b>82-824</b>
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|-----|-----------------|--|
| .1  | Combining AUs   | Two or more AUs in the same home shall be combined into one AU when:                                     |
| .11 | Marriage        | A caretaker relative is married to another caretaker relative in another AU, or                          |
| .12 | Child in Common | Two caretaker relatives in the home have separate children and also have an eligible child in common, or |

<b>82-824</b>	<b>ASSISTANCE UNITS THAT SHALL BE COMBINED</b> (Continued)	<b>82-824</b>
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|-----|---------------------------|---------------------------------------|
| .13 | One Caretaker<br>Relative | There is only one caretaker relative. |
|-----|---------------------------|---------------------------------------|

[Previous Cite: 44-205.3]

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 206.10(a)(1); 45 CFR 233.90; 45 CFR 237.50(b)(5); United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. SSA-AT-86-1; Section 242, California Civil Code; Anderson v. Edwards 115 S.Ct. 1291 (1995); and Sections 10553, 10554, 10604, 11000, and 11450, Welfare and Institutions Code.

<b>82-828</b>	<b>OPTIONAL PERSONS</b>	<b>82-828</b>
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|------|----------------------------------|--|
| .1   | County Responsibility            |  |
| .11  | Identify Optional<br>Persons     | The county shall identify, for the applicant or recipient, any person living in the home who may be included in the AU.  |
| .111 |                                  | This shall be done at the time of application, redetermination, or at any other time the county is informed of a change in the number of persons living in the home.   |
| .12  | Effect on AU                     | The county shall explain to the applicant or recipient the effect of including or excluding the optional person. The applicant or recipient shall decide who is to be included.                                  |
| .121 |                                  | The explanation shall include a description of the AU composition which will result in the maximum aid to which the family is eligible, considering the income and resources of each person who may be included. |
| .2   | Optional Persons                 | The following persons who are not otherwise required to be in the AU shall be included upon request of the applicant/recipient.  |
| .21  | Nonparent Caretaker<br>Relatives | Any nonparent relative who has been determined to be the caretaker relative.   |

82-828	OPTIONAL PERSONS (Continued)	82-828
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|-----|-------------------------|--|
| .22 | Other Eligible Children | Any other eligible children, including, but not limited to, a niece or nephew. |
| .23 | Essential Persons       | Any essential person who meets the requirements of Section 44-209.3.           |

[Previous cite: 44-205.5, 44-203.3, 44-118.11]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USCA 606(a) and (b)(1); 45 CFR 206.10(a)(1)(vii) and (a)(2)(i), 45 CFR 233.20(a)(2)(vi), and 45 CFR 237.50(b)(3)(i) and (b)(4)(i); SSA-AT-80-32 and SSA-AT-86-01; and Section 11203, Welfare and Institutions Code.

82-832	EXCLUDED PERSONS	82-832
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| .1  | Person Who Is Excluded By Law          | A person excluded from the AU by law is a person who:  |
| (a) | Child of AFDC-FC or Kin-GAP Child      | Is a child living with his/her minor parent who is receiving AFDC-FC or Kin-GAP.   |
| (b) | Citizenship/ Alienage                  | Does not meet the citizenship/alien status requirements.   |
| (c) | Father of Unborn                       | Is an unborn child's father who is living in the home with the pregnant woman and who is:  |
|     | .131                                   | Not the parent or caretaker relative of an eligible child, or  |
|     | .132                                   | Not an essential person.   |
| (d) | Person Who Has Exceeded the Time Limit | Is a person who has become ineligible for cash aid due to exceeding the 18-, 24- (Section 42-710), or 60-month time limits (Section 42-302) for aid. |
| (e) | Other Aid                              | Receives SSI/SSP, Refugee Repatriate Payment (RRP), Kin-GAP or AFDC-FC.  |
| (f) | Sponsored Alien                        | Is a sponsored alien whose needs are being met by a sponsoring agency or by a sponsor's deemed income.   |

**82-832 EXCLUDED PERSONS (Continued)**

**82-832**

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| <p>(g) Spouse of Eligible Child</p> <p>(h) Refugee Eligible for Alternative Project</p> <p>(i) Fleeing Felon</p> <p>(j) Violation of Probation or Parole</p> <p>(k) Convicted Drug Felon</p> | <p>Is a spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common for whom deprivation exists.</p> <p>Is a refugee who is eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7).</p> <p>Is fleeing to avoid prosecution, or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony. The existence of a warrant for arrest shall be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the individual had no knowledge that he/she is being sought by law enforcement.</p> <p>Is in violation of a condition of probation or parole. The initial offense for which probation or parole was ordered need not have been a felony.</p> <p>Has been convicted in a state or federal court of a felony that has as an element, the possession, use or distribution of a controlled substance. The conviction must be after December 31, 1997. Controlled substance is defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code. The term 'convicted' also includes a plea of guilty or nolo contendere.</p> |
|--|--|
- .2 Sanctioned Persons
- A person excluded from the AU due to a sanction, is:
- .21 Child/Spousal Support
- A parent, pregnant woman, or caretaker relative who refuses to assign support rights.



<b>82-832</b>	<b>EXCLUDED PERSONS (Continued)</b>	<b>82-832</b>
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|------|------------------------|--|
| .22  | Citizenship            | A person who fails to cooperate in the verification of his/her citizenship or alien status.  |
| .23  | Welfare-to-Work        | A non-exempt welfare-to-work participant who fails or refuses without good cause to meet program requirements, and:                            |
| .231 |                        | When the participant is a principal earner, the second parent is also ineligible unless he/she is participating in welfare-to-work activities. |
| .24  | Social Security Number | An applicant or recipient; or a child whose parent, caretaker relative, or legal guardian who:   |
| .241 |                        | Refuses or fails to furnish an SSN or evidence of a completed application for an SSN, or   |
| .242 |                        | Refuses or fails to cooperate in verifying an SSN.   |
| .25  | Striking               | A striker who is not a caretaker relative.   |
| .26  |                        | Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.   |

[Previous cite: 44-206]

NOTE: Authority cited: Sections 10553, 10554, 11270, and 11369, Welfare and Institutions Code. Reference: 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11263.5, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115.

<b>82-836</b>	<b>FEDERAL AFDC PROGRAM FOR PREGNANT WOMEN</b>	<b>82-836</b>
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|-----|-------------------------|--|
| .1  | AU of One               | An AU of one without an eligible child shall be established when a pregnant woman, regardless of age, meets all of the following conditions: |
| .11 | Verification            | Medical verification of pregnancy is provided to the county, and   |
| .12 | Eligibility             | The pregnant woman and unborn child, if born and living with the mother, would be eligible for federal AFDC in the payment month, and        |
| .13 | Duration of Pregnancy   | The pregnancy has reached the three-month period before the month of anticipated birth (see State AFDC For Pregnant Women), and              |
| .14 | No Other AU Eligibility | The pregnant woman could not be included in another AU.  |

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|-----|------------------------|--|
| .15 |                        | See Section 42-762.7 regarding federal eligibility during the first and second trimesters for pregnant Cal-Learn participants with no other eligible children. |
| .2  | Pregnancy Special Need | A pregnant woman may be eligible to receive a pregnancy special need payment.  |

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[Previous cite: 44-205.6]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 233.10(a)(1) and (a)(1)(iv), 45 CFR 233.90(c)(2)(iv), and 45 CFR 206.10(a)(1)(vii); and Section 11450(b), Welfare and Institutions Code.

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**CHART FOR DETERMINING RELATEDNESS OF CARETAKER RELATIVES**

**For a copy of chart, contact the Office of Regulations Development at  
(916) 657-2586.**

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**ELIGIBILITY AND ASSISTANCE STANDARDS  
DEMONSTRATION PROJECTS**

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**CHAPTER 89-100 ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (APDP)  
AND CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (CWPDP)****89-101 FEDERAL DEMONSTRATION PROJECTS - INTRODUCTION****89-101**

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**.1 Background**

Pursuant to state law, the California Department of Social Services has requested and received federal approval for two California Demonstration Projects entitled the Assistance Payments Demonstration Project and the California Work Pays Demonstration Project. These Projects enable California, in accordance with their federally mandated Terms and Conditions, to implement certain new AFDC provisions.

The Assistance Payments Demonstration Project provisions are contained in Division 89. They include work incentive provisions, MAP reductions and a relocation grant restriction. The California Work Pays Demonstration Project provisions contained in Division 89 include increased property limits, restricted accounts, and the California Alternative Assistance Program. (For "Cal Learn" see Division 42.)

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**.2 Control Group**

Except for the provisions found in Chapter 89-700, related to the California Alternative Assistance Program, the county shall not apply the Division 89 Assistance Payments Demonstration Project and the California Work Pays Demonstration Project provisions to those applicants and recipients who are designated as members of the Projects' control groups. CAAP applies to both the experimental and control groups in all APDP/CWPDP counties. The designation and treatment of the control groups shall be accomplished pursuant to the Projects' mandated parameters outlined in the Federal Terms and Conditions as approved by the Secretary of the Department of Health and Human Services.

<b>89-101</b>	<b>FEDERAL DEMONSTRATION PROJECTS - INTRODUCTION</b>	<b>89-101</b>
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(Continued)

NOTE: Authority cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 11155.1, 11155.2, 11201.5, 11280, 11450.01, and 11450.03, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(I)(B); Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

<b>89-105</b>	<b>ELIMINATION OF TIME LIMITATIONS FOR 30 AND 1/3 EARNED INCOME DISREGARD AND ELIMINATION OF THE 100-HOUR LIMIT</b>	<b>89-105</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</b>	<b>89-110</b>
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| .1 | MAP Amount | See Section 44-315.311(a) for the MAP amounts for recipients subject to the Assistance Payments Demonstration Project as specified in Section 89-100. |
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| .2   | Exempt and Nonexempt AUs | The CWD shall determine whether an AU is an Exempt or Nonexempt AU for purposes of the MAP amounts specified in Section 44-315.311 by using the rules in this section. |
| .21  | Rule                     | An Exempt AU is one in which the following persons meet at least one of the conditions listed in Sections 89-110.22 through .24.                                       |
| .211 | Parent/Relative          | Each parent, aided stepparent, and caretaker relative of a child who lives in the home of the aided child; or  |

<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</b>	<b>89-110</b>
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(Continued)

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|------|--|---|
| .212 | Aided Parent of Unaided Child                              | Each parent receiving aid because of an unaided excluded child; or  |
| .213 | Pregnant Woman Only  | The pregnant woman in an AU consisting of the woman only; or  |
| .214 | RCA AU   | Each adult or parent of a child aided under RCA in a Refugee Cash Assistance AU.  |
| .22  | Receives Benefits  | Receives at least one of the following:   |
| .221 | SSI/SSP  | Supplemental Security Income/State Supplemental Payments (SSI/SSP); or  |
| .222 | IHSS   | In-Home Supportive Services (IHSS); or  |
| .223 | SDI  | State Disability Insurance (SDI); or  |
| .224 | TWC  | Temporary Worker s Compensation (TWC - Temporary Disability Indemnity - TDI).   |
| .225 | Repealed by Manual Letter No. EAS-98-01, effective 1/1/98. |   |
| .23  | Unaided Non-parent Caretaker                               | Is an unaided, non-parent caretaker relative.   |
| .24  | (Reserved)   |   |
| .25  | Minor Parents and Pregnant Women                           | For purposes of Section 89-110.21:  |
| .251 | Minor Parent   | A minor parent aided as an eligible child is considered to be a parent.   |
| .252 | Pregnant Woman   | A pregnant woman is not considered in the determination of an AU s exempt status unless she is a parent, caretaker relative or aided stepparent of existing children or the sole member of an AU consisting of a pregnant woman only or an adult aided under RCA. |

<b>89-110 (Cont.)</b>	<b>DEMONSTRATION PROJECTS APDP AND CWPDP</b>		<b>Regulations</b>
<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</b> (Continued)		<b>89-110</b>
.26	Review of AU Exemption Status	The CWD shall review AU exemption status when:	
.261	GAIN Exemption	An AU member is determined exempt from GAIN due to incapacity as specified in Section 42-793 or care of another individual in the household as specified in Section 42-795.	
.262	Monthly Eligibility Report Received	The CWD processes the Monthly Eligibility Report submitted by the AU.	
.263	Application or Add Person	The AU makes an initial application, reapplication or requests that a parent or caretaker relative be added to the AU.	
.264	Request a Review or Report a Change	A parent, caretaker relative or RCA adult associated with the AU requests review of AU status or reports a change applicable to the AU status.	
.27	Exempt AU Status	The CWD shall consider that an AU is an Exempt AU when, on or after application for AFDC, the AU meets the rule in Section 89-110.21 and is also eligible for AFDC or, for RCA AUs, eligible for RCA.	
.271	If Exempt Status Results from Request for Review	When Exempt AU status results from a request for review by the AU, the CWD shall not treat the AU as an Exempt AU for any month prior to the month of request.	
.28	Use of Exempt AU MAP Amount	The CWD shall use the Exempt AU or Nonexempt AU MAP in the budgeting process as follows:	
.281	During Prospective Budgeting	During prospectively budgeted months, the CWD shall use the MAP corresponding to the AU status in that month.	
.282	During Retrospective Budgeting	During retrospective budgeted months, the CWD shall use the MAP corresponding to the AU status in the budget month except as provided in Section 89-110.283.	

<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</b>	<b>89-110</b>
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| .283 | Transition From Application | For the month of beginning date of aid, and for the three subsequent months, when the month of beginning date of aid and subsequent month are prospectively budgeted, the CWD shall use the MAP corresponding to the actual AU exemption status existing in the month. |
| .29  | Change in Status            | Except as specified in Section 89-110.283, when the AU status changes between Exempt and Nonexempt, the CWD shall change the MAP effective for the payment month when the first month of the new status is the budget month.   |

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**.3 Examples of Exempt and Nonexempt AUs**

**Example 1 - Exempt AU - SDI Receipt and Incapacitated Parent**

The AU consists of two parents and two of their children. One parent receives SDI. The other parent has been determined to be an incapacitated parent as specified in Section 41-430.2. After giving appropriate notice of action, the CWD uses the Exempt AU MAP.

**Example 2 - Exempt AU - Disabled PWO**

The AU consists of a pregnant woman only. The woman has been determined disabled under the GAIN standards because of incapacity as specified in Section 42-793. After giving appropriate notice of action the CWD uses the Exempt AU MAP.

**Example 3 - Exempt AU - Receipt of Private Disability Insurance**

The AU consists of a parent and the parent's child. The parent receives private disability insurance income. In addition, the parent has been determined to be disabled because of incapacity under the GAIN standards as specified in Section 42-793. After giving appropriate notice of action, the CWD uses the Exempt AU MAP.

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**HANDBOOK CONTINUES**

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<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</b>	<b>89-110</b>
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Example 4 - Exempt AU - Unaided Non-parent Caretaker Relative

An aunt is receiving aid for her nephew. The AU consists of the child only. The aunt is an unaided non-parent caretaker relative. After giving appropriate notice of action, the CWD uses the Exempt AU MAP.

Example 5 - Exempt AU - Care of Household Member

The AU consists of a parent receiving aid on the basis of the parent's child, who receives SSI/SSP. The nature of the child's disability requires that the parent provide substantial and continuous care for the child as specified in Section 42-795. The parent provides medical verification to this effect and the CWD determines that the parent is the only person available to provide this care. After giving appropriate notice of action CWD uses the Exempt AU MAP.

Example 6 - Exempt AU - Parent With SSI/SSP Child

The AU consists of mother receiving aid on the basis of an SSI/SSP child. The woman has been determined disabled under the GAIN standards because of incapacity as specified in Section 42-793. After giving appropriate notice of action, the CWD uses the Exempt AU MAP.

Example 7 - Exempt AU - Disabled RCA

The AU consists of one refugee adult receiving RCA. The adult has been determined to be disabled under the GAIN standards due to incapacity as specified in Section 42-793. After giving appropriate notice of action, the CWD uses the Exempt AU MAP.

Example 8 - Nonexempt AU - Minor Parent

The AU consists of a 17-year old parent who is aided as a child, the senior parent and the children of both the minor parent and the senior parent. The senior parent receives SDI benefits, but the minor parent is not in school or otherwise exempt. After giving appropriate notice of action the CWD uses the Nonexempt AU MAP.

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**HANDBOOK CONTINUES**

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<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</b>	<b>89-110</b>
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Example 9 - Nonexempt AU - Aided Stepparent

The AU consists of a father, the father's children and an aided stepmother. The stepmother is pregnant, but is not the parent or caretaker relative of any of the aided children. The stepmother does not meet any exemption criteria. The father receives SDI. Since the stepparent is an aided stepparent, the CWD, after giving appropriate notice of action, uses the Nonexempt AU MAP.

Example 10 - Exempt AU - Unaided Stepparent

The AU consists of a mother, the mother's children and an unaided stepfather. The mother is incapacitated based on the AFDC incapacitated parent standard as specified in Section 41-430.2. The stepfather is not the parent or caretaker for any of the aided children. The stepfather does not meet any exemption criteria. However, since the stepparent is an unaided stepparent, he is not considered in determining the AU's exemption status. After giving appropriate notice of action, the CWD uses the Exempt AU.

Example 11 - Nonexempt AU - Undocumented Alien Parent

The AU consists of a mother, the mother's children and an undocumented alien father. The mother receives SDI. The father does not meet any exemption criteria. Since the father is a parent, the CWD, after giving the appropriate notice of action, uses the Nonexempt AU MAP.

Example 12 - Exemption Based on AU Request - Late Request

The AU consists of a parent and his/her child based on absent parent deprivation. The parent becomes temporarily disabled and unable to work in June, but does not report the fact to the CWD or otherwise request review of AU status. In November, the CWD conducts an annual redetermination and discovers that the condition still exists. The AU requests review and the CWD requests verification, which is supplied in December. The verification establishes that the condition qualifies under the GAIN incapacity standards as specified in Section 42-793 and that the condition existed as of June 10. Since the first month of Exempt AU status based solely on an AU request cannot precede the month of request, the first month of exempt status is November. Since the AU was already using retrospective budgeting, the CWD, after giving appropriate notice of action, begins to use the Exempt AU MAP for January, the payment month when the first month of the new status is the corresponding budget month.

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**HANDBOOK CONTINUES**

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**89-110 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION 89-110**  
(Continued)

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**HANDBOOK CONTINUES**

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**Example 13 - Exemption Based on CWD Information - Late Discovery**

The AU consists of a parent and his/her child based on absent parent deprivation. The AU is in retrospective budgeting. The parent begins receiving SDI in June and reports the income on the Monthly Eligibility Report submitted in July. The CWD does not begin to use the income or the appropriate Exempt AU MAP for the August payment month due to administrative error. In November, the CWD conducts an annual redetermination and discovers the mistake. At that time, the parent requests review of the AU status. Since the AU status is based on a status known to the CWD (rather than solely on the parent's request for review), the CWD acts to process the case based on the actual report of income. After giving appropriate notice of action, the CWD uses the Exempt AU MAP beginning for the August payment month. The CWD recomputes the grant for overpayment or underpayment purposes.

**Example 14 - Exempt AU - Initial Application**

An initial application is made June 10 for an AU consisting of a parent and his/her child based on absent parent deprivation. The prospectively-budgeted application months are June and July. During June, the parent becomes disabled. The applicant reports the disability and the CWD determines that it qualifies under the GAIN standards for incapacity as specified in Section 42-793. After giving appropriate notice of action, the CWD uses the Exempt AU MAP beginning for the June payment month.

**Example 15 - Transition From Application**

An initial application is made July 12 for an AU consisting of a parent and his/her child based on absent parent deprivation. The prospectively-budgeted application months are July and August. The following two retrospectively-budgeted months are September and October. At application, the parent does not meet exemption criteria, but, later in July, the parent becomes disabled. The applicant reports the disability and the CWD determines that it qualifies under the GAIN standards for incapacity as specified in Section 42-793. The condition ceases in August. After giving appropriate notice of action, the CWD uses the Exempt AU MAP for July and August, reflecting the AU's actual exemption status for those months. After further notice of action, the CWD uses the Nonexempt AU MAP for September and October, again reflecting the AU's actual status for those months.

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**HANDBOOK CONTINUES**

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**89-110 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION 89-110**  
(Continued)

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**HANDBOOK CONTINUES**

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**Example 16 - Person Add - Nonexempt to Exempt**

An existing AU consists of a parent and his/her child based on absent parent deprivation. The parent does not meet exemption criteria and the CWD is using the Nonexempt AU MAP. The AU is in retrospective budgeting. On June 10, the parent becomes disabled. The parent reports and verifies the disability and the CWD determines that it qualifies under the GAIN standards for incapacity as specified in Section 42-793. On June 12, a second parent joins the home. The second parent receives TDI benefits and is added to the AU effective June 12 using the current Nonexempt AU MAP. The income of the second parent is used prospectively for June and July. Deprivation changes to incapacitated parent and both parents meet exemption criteria. After giving appropriate notice of action, the CWD begins to use the Exempt AU MAP for August, the payment month when the month of the new status is the corresponding budget month.

**Example 17 - Person Delete - Exempt to Nonexempt**

An existing AU consists of two parents and their child based on incapacitated parent deprivation. One parent is incapacitated and the other receives SDI. The AU is in retrospective budgeting and the CWD is using the Exempt AU MAP. In June, the incapacitated parent leaves the home and the second parent stops receiving SDI. The needs and income of the parent who left are not used for July and continuing. However, since the AU was already using retrospective budgeting, the Exempt AU MAP continues for July and August. After giving appropriate notice of action, the CWD begins to use the Nonexempt AU MAP for September, the payment month when the first month of the new status is the corresponding budget month.

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**.4 Relocation Family Grant**

IN ACCORDANCE WITH THE GREEN V. ANDERSON COURT ORDER, THIS PROVISION SHALL NOT BE IMPLEMENTED UNTIL A DETERMINATION BY A COURT OF APPROPRIATE JURISDICTION ALLOWS SUCH IMPLEMENTATION.

Relocation Family Grant (RFG) means the maximum amount of aid payable to an AU when no member of the AU has lived in California for 12 consecutive months immediately prior to the date of application.

<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</b>	<b>89-110</b>
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(Continued)

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|------|------------------------------|---|
| .41  | Relocation Family Grant Rule | When the RFG is applicable, the county shall compare and base aid on the lesser of:   |
| .411 | CA Computed Grant Amount     | The California computed actual grant amount for a full month, excluding overpayment adjustments, or   |
| .412 | Other State MAP              | The MAP amount of the previous state or U.S. Territory of residence, plus California special needs when included in Section 89-110.411.   |
|      | (a)                          | When all members of the AU have not lived in the same prior state, the county shall compare the California computed grant amount to the highest MAP amount of the prior states of residence involved.   |
|      | (b)                          | The county shall semi-annually update the other state MAP amounts effective with the April and October payment months with figures provided by the California Department of Social Services which are based upon U.S. Department of Health and Human Services data. |

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| .42 | Grant Adjustment | Upon determination of the lesser amount of either the California computed actual grant amount or the prior state MAP, the grant will be adjusted for partial month proration, homeless assistance payment and overpayments, as applicable. |
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| .43 | Reduced Income Supplemental Payment (RISP), Homeless Assistance Payment for Permanent Housing and Overpayment Adjustment Computation | For the purpose of determining the RISP, homeless computing assistance payment for permanent housing, and overpayment adjustments, the MAP specified in Sections 44-402, 44-211.531 and 44-352.41 shall be the lesser of the California MAP or the MAP of the previous state of residence used in the RFG computation. |
|-----|--|--|

<b>89-110</b>	<b>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTIONS</b>	<b>89-110</b>
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| .44 | How Long | The county shall apply the RFG rule until any member of the AU has lived in California for 12 consecutive months. |
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| .45 | RFG Example | A mother and her three children arrive in California from Mississippi in April. Four months later (August), they apply for AFDC. The RFG rule will apply to the AU for eight months. (Twelve month residency requirement minus four months in California equals eight RFG months). Their RFG period will end March 31st of the following year. |
|-----|-------------|--|

After the AU received aid for one month, the children's father moves into the home (September). He is the unemployed principal earner and there is federal eligibility. The father has been in California for ten months and was living in Nevada prior to coming to California.

Since the father lived in California longer than anyone else in the AU, the AU will only have two remaining RFG months, which includes the first month of aid for the father. Therefore, the AU's new RFG period will end October 31st.

The county will use Nevada's MAP which is higher than Mississippi's MAP when applying the RFG rule.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 10553, 10554, 11450.01, 11450.015, and 11450.03, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

<b>89-115</b>	<b>INCREASED PROPERTY LIMITS FOR RECIPIENTS</b>	<b>89-115</b>
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|-----|----------------------------|---|
| .1  | General                    | The county shall apply the following property limits to an AU which includes at least one recipient:  |
| .11 | \$2,000 Property Limit     | \$2,000 for property as specified in Section 89-120,  |
| .12 | \$4,500 Motor Vehicle      | \$4,500 for one motor vehicle as specified in Section 89-125, and   |
| .13 | \$5,000 Restricted Account | \$5,000 for restricted accounts as specified in Section 89-130.   |
| .2  | Excess Property Discovered | When an application has been approved and the county subsequently discovers that the AU's property exceeded the \$1,000 property limit on the date of approval, the county shall not apply any of the increased property limits specified in Section 89-115.1 until the first day of the month following the date the AU's property is at or below the \$1,000 property limit for applicants. |

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|--------|---|---|--------|-----------------|-------|---|--------|--------------------------|
| .21    | Example 1                                     | On July 1st, a family applies for aid and the county approves the AFDC application (i.e., authorizes aid) based on the following property:  |        |                 |       |   |        |                          |
|        |   | <table><tr><td>\$ 700</td><td>savings account</td></tr><tr><td>+ 150</td><td>cash surrender value on life insurance policy</td></tr><tr><td>\$ 850</td><td>total countable property</td></tr></table>   | \$ 700 | savings account | + 150 | cash surrender value on life insurance policy | \$ 850 | total countable property |
| \$ 700 | savings account                               |   |        |                 |       |   |        |                          |
| + 150  | cash surrender value on life insurance policy |   |        |                 |       |   |        |                          |
| \$ 850 | total countable property                      |   |        |                 |       |   |        |                          |
|        |   | In November, a Quality Control reviewer discovers that the cash surrender value of the life insurance policy was actually \$350 on July 1st (total property = \$1,050). The county determines that the AU had excess property over the \$1,000 limit for applicants from July through October (when the AU spent down their savings). |        |                 |       |   |        |                          |

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**HANDBOOK CONTINUES**

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**89-115 INCREASED PROPERTY LIMITS FOR RECIPIENTS**  
(Continued)**89-115****HANDBOOK CONTINUES**

.22 Example 2

The AU is overpaid from July through October, but is eligible in November and will have the higher property limits beginning November 1st.

In September a family applies for aid and is approved; they have the following property:

\$ 300	checking account
+ 600	savings account
<u>\$ 900</u>	total countable property

In October the AU opens a restricted savings account with a balance of \$200.

In November the caretaker relative reports that he has just discovered a paid-up life insurance policy he had forgotten about which had a cash surrender value (CSV) of \$500 since September.

The AU's property is as follows:

\$ 300	checking
+ 600	savings
+ 500	CSV life insurance
<u>\$ 1400</u>	total
-1000	limit for applicants
<u>\$ 400</u>	excess property September & October
+ 200	restricted account opened in October
<u>\$ 600</u>	excess property beginning November

The county sends a timely notice to discontinue aid effective November 30th. The caretaker relative immediately withdraws the \$200 from the restricted account and \$400 from the savings account to buy a new refrigerator on November 29th.

**HANDBOOK CONTINUES**

<b>89-115 (Cont.)</b>	<b>DEMONSTRATION PROJECTS APDP AND CWPDP</b>	<b>Regulations</b>
<b>89-115</b> (Continued)	<b>INCREASED PROPERTY LIMITS FOR RECIPIENTS</b>	<b>89-115</b>

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### HANDBOOK CONTINUES

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The new date of eligibility for increased property limits is December 1st (the first day of the month following the date the AU was at or below the \$1,000 limit for applicants). The AU is overpaid for September, October, and November.

Since the AU exceeded the \$1,000 property limit when the application was approved, the AU was not eligible for any of the higher property limits and the "restriction" on the second savings account is not applicable. As such, a period of ineligibility for a nonqualifying withdrawal also does not apply.

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### HANDBOOK ENDS HERE

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.1, 11155.2, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.



**89-120     \$2,000 PROPERTY LIMIT FOR RECIPIENTS****89-120****.1     General**

When an AU includes a recipient, the county shall apply a \$2,000 limit to the net market value of the AU's countable property without regard to the \$5,000 restricted account specified in Section 89-130.

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**HANDBOOK BEGINS HERE****.2     Example 1**

A family applies for AFDC on February 3rd. The otherwise eligible AU has countable property of \$700. The county approves the application on March 13th. The family reports that on March 15th, they received stocks from an inheritance worth \$1,000. Their total property on March 15th was \$1,700.

The AU is eligible because their property did not exceed the \$1,000 limit for applicants until after their application was approved and they are under the \$2,000 limit for recipients.

**.3     Example 2**

A minor mother and her child moved out of her senior parent's home to live with her child's father on June 3rd. The minor mother and her child were receiving aid in the senior parent's AU through June 30th.

On June 5th, the minor mother requests aid for herself, her child, and the father of her child; the beginning date of aid is July 1st. The new AU's property is as follows:

\$ 300	minor mother's cash
+ 1,500	father's savings account
\$ 1,800	AU's total property

The county applies the \$2,000 property limit for recipients because the minor mother and her child did not have a break in aid, and thus are considered recipients.

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**HANDBOOK CONTINUES**

<b>89-120</b>	<b>\$2,000 PROPERTY LIMIT FOR RECIPIENTS</b>	<b>89-120</b>
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(Continued)

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**HANDBOOK CONTINUES**

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.4 Example 3

An AU which includes a recipient has countable property of \$1,700. The AU reports that another child moved in with them on May 31st. The child has a \$500 savings account. The county determines that the entire AU is ineligible due to excess property effective June 1st:

\$ 500	savings account of new child
+ 1,700	AU's other property
\$ 2,200	AU's total property
- 2,000	property limit for recipients
\$ 200	excess property

The county sends a timely notice of action to discontinue aid effective June 30th and determines an overpayment for June.

If the AU spends down to the \$2,000 limit on or before June 30, the county will rescind the discontinuance; however, the overpayment will remain. If the AU does not spend down to the \$2,000 limit, it will be subject to the \$1,000 property limit for applicants if it reapplies later.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

<b>89-125</b>	<b>INCREASED MOTOR VEHICLE LIMIT FOR RECIPIENTS</b>	<b>89-125</b>
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|-----|----------------------|---|
| .1  | General              | The county shall exempt up to \$4,500 for one motor vehicle that is owned by a member of an AU which includes a recipient.  |
| .11 | Vehicle Over \$4,500 | When the vehicle's net market value exceeds the \$4,500 limit, the excess value shall be included in the \$2,000 property limit specified in Section 89-120. See Section 42-215.4 for determining the value of a motor vehicle. |

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**HANDBOOK BEGINS HERE**

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|--------------------|---------|---|--------------------|---------|--------------------|---------|------------------|--------|
| .2                 | Example | <p>An AU which includes a recipient reports they now have the following property (net market values are shown):</p> <table><tr><td>1st motor vehicle:</td><td>\$2,500</td></tr><tr><td>2nd motor vehicle:</td><td>\$1,200</td></tr><tr><td>savings account:</td><td>\$ 500</td></tr></table> <p>The county exempts the 1st motor vehicle because it has the highest value. The 2nd motor vehicle's value is added to the AU's other countable property (\$1,200 + \$500 = \$1,700). The AU is property eligible because the countable property does not exceed the \$2,000 property limit for recipients.</p> | 1st motor vehicle: | \$2,500 | 2nd motor vehicle: | \$1,200 | savings account: | \$ 500 |
| 1st motor vehicle: | \$2,500 |   |                    |         |                    |         |                  |        |
| 2nd motor vehicle: | \$1,200 |   |                    |         |                    |         |                  |        |
| savings account:   | \$ 500  |   |                    |         |                    |         |                  |        |

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, 11155.1, and 11257, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

**89-130 RESTRICTED ACCOUNTS FOR RECIPIENTS****89-130**

- (a) General
- An AU which includes a recipient shall be allowed to retain cash reserves totaling up to a maximum of \$5,000 in one or more restricted accounts at a financial institution.
- (1) Additional Funds
- The funds shall be in addition to the \$2,000 property limit specified in Section 89-120.
- (b) Written Agreement
- Before an account can be designated as "restricted," the caretaker relative shall sign an agreement with the county welfare department which sets forth the requirements, restrictions and penalties specified in Section 89-130.
- (1) Advice
- The written agreement shall include a statement which advises recipients to first retain resources close to the \$2,000 limit to pay for unexpected expenses or emergencies before they enter into a written agreement.
- (c) Account Information
- The AU shall provide verification to the county of the following information for each account within 30 calendar days from the date of the written agreement. Failure to comply will result in termination of the agreement.
- (1) Names of Persons On the Account(s)
- Names of persons as shown on the restricted account;
- (2) Institution
- Name and address of the financial institution;
- (3) Number
- Account number; and
- (4) Balance
- Account balance and activity since the date the agreement was signed.
- (d) Specific Purpose
- The funds must be retained for one or more of these specific purposes:

**89-130 RESTRICTED ACCOUNTS FOR RECIPIENTS****89-130**

(Continued)

- (1) Home purchase of a home;
- (2) Education or Training any education or vocational training expenses of the account holder or any person who is claimed or could be claimed by the account holder as a dependent for federal income tax purposes; or
- (3) Business start up of a new business.
- (e) Separate Account The AU must establish and maintain a restricted account separately from any other accounts.
- (f) Interest Exemption The county shall exempt interest payments for purposes of determining AFDC eligibility and grant amount when the interest is deposited directly into the account by the financial institution.
  - (1) Direct Receipt The county shall determine that interest which is not deposited directly into the restricted account is a nonqualifying withdrawal.
  - (2) Erroneous Receipt When interest is not deposited directly into the account due to an error caused by the financial institution, the AU is allowed 30 calendar days from the date of receipt to deposit the interest into the restricted account.
  - (A) Failure to deposit the interest within 30 calendar days shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists for exceeding the 30-day limit as specified in Section 89-130(j).
- (g) Qualifying Withdrawal The AU is allowed 30 calendar days from the date of a withdrawal to expend funds for one or more of the following expenses:
  - (1) Purchase of a Home Expenses associated with the purchase of a home that will be the principal residence of the AU.

<b>89-130</b>	<b>RESTRICTED ACCOUNTS FOR RECIPIENTS</b>	<b>89-130</b>
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(Continued)

- (A) These expenses include, but are not limited to, deposits, fees, down payment, principal payment, repairs, fixtures and closing costs.
- (B) Expenses for furniture and household goods are not allowable.
- (2) Education or Training
  - (A) Expenses associated with any education or vocational training for the account holder or any person who is or could be claimed by the account holder as a dependent for federal income tax purposes.
    - (A) These expenses include, but are not limited to, the following:
      - 1. fees, tuition, books, school supplies, equipment, special clothing needs, student housing, meals, transportation costs to and from school, child care services necessary for school attendance.
  - (3) Start Up of a New Business
    - (A) Business expenses that are directly related to the start up costs of a new business.
      - (A) Allowable expenses shall include, but are not limited to, the following:
        - 1. purchase and maintenance of capital equipment, uniforms or other protective or required clothing and shoes; tools; inventory; payments on loan principal and interest for capital assets or durable goods; rent for office or floor space and associated utilities; shipping and delivery costs; employee salary; fees; business taxes; insurance; and bookkeeping or other professional services.
    - (B) Personal expenses such as entertainment are not allowable.

**89-130 RESTRICTED ACCOUNTS FOR RECIPIENTS****89-130**

(Continued)

- (4) No Expense Incurred Funds, which are withdrawn in anticipation of an expense that does not occur or are less than anticipated, shall be redeposited into the restricted account within 30 calendar days from the date of the withdrawal.
- (1) Failure to timely redeposit the funds shall result in a determination that a nonqualifying withdrawal has occurred, unless good cause exists as specified in Section 89-130(j).
- (h) Verification The AU shall provide verification of the following items within 30 calendar days from the date of expenditure:
- (1) Balance balance prior to the withdrawal;
- (2) Date and Amount date and amount of the withdrawal; and
- (3) Receipts a receipt, cancelled check, or signed statement from the provider of goods or services which verifies the type and the amount of expense paid.
- (i) Nonqualifying Withdrawal Except as specified in Section 89-130(p)(1), the county shall determine that a nonqualifying withdrawal has occurred when:
- (1) Noncooperation the AU fails to expend funds or to provide verification of a withdrawal or expenditure within the required time limit unless good cause, as specified in Section 89-130(j), exists for exceeding the time limit;
- (2) Nonallowable Purpose the AU withdraws or spends the funds for purposes or expenses other than those allowed under this section; or
- (3) Receipt of Interest Income the interest payment was not deposited directly into the account by the financial institution.

<b>89-130</b>	<b>RESTRICTED ACCOUNTS FOR RECIPIENTS</b>	<b>89-130</b>
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(Continued)

- (j) Good Cause
- The county shall determine that good cause exists for exceeding the time limits specified at Sections 89-130(f)(2), (g), and (h) when any of the following situations exist.
- (1) Beyond AU's Control
- Circumstances exist which are beyond the AU's control.
- (A)
- These circumstances include, but are not limited to, illness or medical emergency, failed or delayed completion of a home purchase, lack of transportation, or other extenuating circumstances found by the county.
- (B)
- When good cause is found to exist, the AU will be allowed to fulfill the necessary requirement within a reasonable period of time based on the circumstances for the delay, as determined by the county, to avert a determination of a nonqualifying withdrawal.
- (2) AU Complies Before the Effective Date of the Notice
- Good cause also exists when the AU complies with the necessary requirement before the effective date of the notice of action. In these situations, the county shall rescind the notice of action.
- (k) Period of Ineligibility
- When the county determines that a nonqualifying withdrawal exists, the county shall calculate a period of ineligibility.
- (1) Calculation
- To calculate the period of ineligibility, the county shall first determine the total amount in all of the restricted accounts immediately prior to the nonqualifying withdrawal or prior to the issuance of an interest payment when it is not directly deposited into the account by the financial institution, and:
- (A)
- subtract any portion which the county determines to be a qualifying withdrawal;



**89-130 RESTRICTED ACCOUNTS FOR RECIPIENTS****89-130**

(Continued)

- (B) divide the result by the minimum basic standard of adequate care (MBSAC) for the number of persons in the AU, plus any special needs; and
- (C) round down the result to the nearest whole number for the number of months of ineligibility.
- (l) Applying the Period of Ineligibility
- When the county determines that a period of ineligibility is applicable, the period of ineligibility shall begin on the first day of the month following the nonqualifying withdrawal.
- (1) One Month of Ineligibility
- When ineligibility exists for only one month, the county shall suspend aid on the first day of the month following the nonqualifying withdrawal.

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## (m) Examples

- (1) Example 1:
- |                                |         |
|--------------------------------|---------|
| Bank balance prior to 5/96     |         |
| withdrawal:                    | \$5,000 |
| Amount withdrawn from account: | \$4,500 |
| Amount used to purchase home:  | \$3,000 |
| Amount used to buy furniture:  | \$1,500 |
- (A)
- Since the AU used a portion of the withdrawal on a nonallowable expenditure, the county shall calculate a period of ineligibility as follows:
- |               |  |
|---------------|--|
| \$5,000       | balance prior to withdrawal            |
| <u>-3,000</u> | allowable expense for purchase of home |
| \$2,000       | remainder                              |
  - Divide the remainder (\$2,000) by MBSAC + special needs for an AU of 3  
(\$2,000 divided by \$715 = 2.79)

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**HANDBOOK CONTINUES**

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**89-130 RESTRICTED ACCOUNTS FOR RECIPIENTS**  
(Continued)

**89-130**


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**HANDBOOK CONTINUES**

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3. Round down the result to the nearest whole number (2).

4. The AU is ineligible for two months beginning 6/96 due to a nonqualifying withdrawal.

(2) Example 2: An AU of three has the following property:

\$ 100	checking account
+ 1000	restricted account
+ 800	savings account
<u>\$ 1900</u>	Total

(A) The AU wants to buy new furniture and withdraws all of their funds from their accounts, including the restricted account, to pay for the purchases in 5/96. The county determines that the AU made a nonqualifying withdrawal.

(B) Although the AU's total property reserve prior to the nonqualifying withdrawal is under the \$2,000 property limit, the county will calculate a period of ineligibility as follows:

1.	Balance prior to nonqualifying withdrawal in 5/96	\$1000
2.	Divide by MBSAC for 3 (\$715)	
3.	Result	1.3
4.	Round down to nearest whole number for number of months of ineligibility	1

(C) Since the period of ineligibility is only for one month, aid for 6/96 will be suspended rather than discontinued. As the AU members will retain their recipient status, the higher property limits will continue to apply.

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(n) Shortening The Period of Ineligibility

The county shall shorten the period of ineligibility when the AU reapplies for aid and the standard of need increases.

**89-130 RESTRICTED ACCOUNTS FOR RECIPIENTS****89-130**

(Continued)

- (1) An increase in the standard of need includes any increase in AU size, general increase in the MBSAC (COLA increases), or a determination that the ineligible family would be eligible for a special need item as specified in Section 44-211.
- (2) Calculation
- (A) Identify the restricted account balance used to calculate the original period of ineligibility.
- (B) Identify the original MBSAC plus any special needs allocated to the ineligible family unit and multiply it by the number of ineligible months prior to the increase. Subtract the total from the amount in Section 89-130(n)(2)(A).
- (C) Divide the result calculated in Section 89-130(n)(2)(B) by the increased standard of need. Round down the result to the nearest whole number.
- (D) The revised period of ineligibility is the final result in Section 89-130(n)(2)(C) plus the number of ineligible months prior to the increase.
- (E) The revised period of ineligibility shall begin in the same month as the original period of ineligibility.

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**HANDBOOK BEGINS HERE**

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- (3) Example
- (A)
- |         |  |
|---------|--|
| \$ 2000 | original balance used to calculate the period of ineligibility |
| \$ 576  | original MBSAC   |
| 3       | number of months of ineligibility                              |
| January | first month of ineligibility                                   |

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**HANDBOOK CONTINUES**

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<b>89-130</b>	<b>RESTRICTED ACCOUNTS FOR RECIPIENTS</b>	<b>89-130</b>
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**HANDBOOK CONTINUES**

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The AU size increased to three people in February and the need standard increased to \$715.

(B)	<div style="display: flex; justify-content: space-between;"> <div> \$2000  <u>- 576</u>  \$1424    1.99  1    1  <u>+ 1</u>  2 </div> <div> original balance  MBSAC for one month of  ineligibility  result; divide by increased  MBSAC for 3 (\$715)  result  number of ineligible months  after increase (rounded down)    number of months before increase  number of months after increase  revised period of ineligibility  (number of months) </div> </div>
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The prior period of ineligibility has been reduced from three months to two months; January and February are the ineligible months.

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**HANDBOOK ENDS HERE**

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|--|---|
| (o) Establishing a Separate AU for Other Eligibles | A separate AU may be established for an otherwise eligible person whose needs were not considered in the calculation of the period of ineligibility.                  |
| (p) When Balance Exceeds \$5,000                   | When the restricted account exceeds \$5,000 on the first day of a month, the county shall add the excess over the \$5,000 limit to the AU's other countable property. |
| (1) Interest Payments                              | When the \$5,000 limit is exceeded solely due to the deposit of interest payment(s), the county shall:  |

<b>89-130</b>	<b>RESTRICTED ACCOUNTS FOR RECIPIENTS</b>	<b>89-130</b>
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(Continued)

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|--|---|
| (A)                                      | allow the AU to withdraw the interest payment which caused the restricted account balance(s) to exceed the \$5,000 limit; and |
| (B)                                      | not calculate a period of ineligibility for the withdrawal of the interest.   |
| (q) Termination of the Written Agreement | The written agreement for the restricted account terminates when:   |
| (1)                                      | the AU is discontinued from AFDC; or  |
| (2)                                      | the restricted account is closed; or  |
| (3)                                      | the AU does not provide timely verification of the account information as specified in Section 89-130(c); or                  |
| (4)                                      | state or federal law changes the conditions or no longer permits these restricted accounts.                                   |

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11155.2 (Ch. 270, Stats. 1997), Welfare and Institutions Code. Reference: Sections 10553, 10554, 11155, and 11155.2 (Ch. 270, Stats. 1997), Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

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